

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

**JOANN HURLEY, on behalf of
herself, and all others similarly situated,**

Plaintiffs,

vs.

**Civil Action No.: 3:16-cv-9949
Honorable Robert C. Chambers**

THOMAS MESSER, *et al.*,

Defendants.

PLAINTIFF'S MOTION FOR FINAL APPROVAL OF SETTLEMENT

Plaintiff, by counsel, respectfully moves this Court for final approval of the Settlement Agreement reached by the parties in this case and preliminarily approved by this Court on September 24, 2020. (ECF No. 277). A proposed order granting final approval is attached as **Exhibit A**.

WHEREFORE, for all the reasons set forth in the contemporaneously filed Memorandum in Support, Plaintiff respectfully requests that the Court:

1. Pursuant to Fed. R. Civ. P. 23(e), grant final approval in all respects of the terms and provisions of the Settlement Agreement, which the Court preliminarily approved by Order entered on September 24, 2020. (ECF No. 277).

2. Award Plaintiff Joann Hurley a service award in an amount to be determined by the Court based on her contributions to this case and in recognition of her service to the Class as reflected in her Declaration attached hereto as **Exhibit B**;

3. Award Class Counsel a fee of \$75,000.00, representing one-quarter (25%) of the settlement amount, as reflected in Plaintiff's Motion for Award of Attorneys' Fees and Reimbursement of Costs and Memorandum in Support;

4. Award Class Counsel litigation expenses of \$53,474.36, as reflected in Plaintiff's Motion for Award of Attorneys' Fees and Reimbursement of Costs and Memorandum in Support;

5. Authorize the payment of settlement administration costs to the Settlement Administrator;

6. Dismiss on the merits and with prejudice all Class claims of the Plaintiff and the Class Members in this action; and

7. Retain jurisdiction over this action for the purpose of interpretation and enforcement of the Class Settlement and Release Agreement, including oversight of settlement administration and distribution of settlement funds.

Respectfully submitted,

/s/ J. Ryan Stewart

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Counsel for Plaintiff Joann Hurley

CERTIFICATE OF SERVICE

I hereby certify that on the **23rd** day of **December, 2020**, I electronically filed the foregoing document, entitled **PLAINTIFF'S MOTION FOR FINAL APPROVAL OF SETTLEMENT**, with the Clerk of the Court using the CM/ECF system to the following:

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Counsel for Defendant RingCentral, Inc.

I further certify that on the **23rd** day of **December, 2020**, a true and exact copy of the foregoing document, entitled **PLAINTIFF'S MOTION FOR FINAL APPROVAL OF SETTLEMENT**, has this day been placed in the regular course of the United States Mail, in an envelope with first class postage thereon fully prepaid addressed as follows:

Mr. Thomas Messer
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Pro Se Defendant

/s/ J. Ryan Stewart